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GOVERNMENT OF AJMER

Local Self Government Department

NOTIFICATION

*Ajmer, the 14th March 1956*

**S.R.O. 662.**—In exercise of the powers conferred under section 113 of the Ajmer State Panchayat Act, 1954 (VII of 1954), the Chief Commissioner, Ajmer is pleased to make the following rules, the same having been previously published in the Gazette of India (Extra-ordinary Part II—Section 3, dated the 28th January, 1956, at pages 121 to 145):—

### RULES

**AJMER STATE PANCHAYAT (ELECTION AND BUSINESS) RULES, 1956**

**1. Short title and commencement.**—(i) These rules shall be called Ajmer State Panchayat (Election and Business) Rules, 1956.

(ii) These Rules shall come into force on such date as the State Government may by notification appoint.

**2. Definitions.**—In these Rules unless there is anything repugnant in the subject or context,

- (i) "The Act" means the Ajmer State Panchayat Act, 1954 (VII of 1954)
- (ii) "Panchayat" means a Panchayat established under the Act;
- (iii) "Section" means a section of the Act;
- (iv) "Form" means a form appended to these Rules;
- (v) "General Communities" means communities other than the Scheduled Castes;
- (vi) "Government" means Government of the State of Ajmer;
- (vii) "Population" means population as given in the Census of 1951 taken by the Government; but when the registers as laid down under rule 3 of these rules are ready, the population figures shall reckon as shown in the registers;
- (viii) "Prescribed Authority" means an authority notified as such by the State Government either generally or for particular purposes;
- (ix) All words and expressions used in these Rules and not defined have the same meanings as respectively assigned to them in the Act.

## CHAPTER I

## PREPARATION OF REGISTER OF VOTERS

**3. Register of Voters.**—(1) After the State Government have declared any area as Panchayat area by a notification under section 3 of the Act, a register of voters shall be prepared for every Panchayat area in form "A" appended to these rules. It shall consist of two parts. Part I shall contain the names and particulars of all persons family-wise residing in a village which form part of the Panchayat area and Part II shall contain the names and particulars of all adults except those who cannot be enrolled or are not entitled to vote by virtue of sections 5 and 6 of the Act:

Provided that the State Government may by order, amend form "A" as and when necessary.

(2) In part I, usually one page shall be allotted to each family and there shall be separate sections for the families of General Communities and of Scheduled Castes. Every residential house in a village shall be numbered and its number shall be entered in both parts of the register. In Part II separate sections shall be allotted for the qualified adults of scheduled castes and General Communities.

**4. Entries in the Register.**—(1) At the beginning of each month, the Pradhan or in his absence the Up-Pradhan of a Panchayat shall make necessary amendments in Part I or II or both of the register of voters as the case may be, consequent on births and deaths in any family occurring in the previous month.

(2) Such changes shall be laid before the next meeting of the Panchayat for information and shall also be immediately notified on the notice board.

(3) Claims and objections regarding such changes shall be filed within ten days from the date of the above publication in duplicate before the Pradhan or in his absence the Up-Pradhan who shall return one of its copies signed by him as a receipt to the person filing the same mentioning therein its serial number as well as the date and place of hearing and shall submit the other copy to the Prescribed Authority who shall after making such enquiry and hearing such persons as may appear necessary decide the claims and objections and his decision shall be final.

(4) Petition preferring claims and objections shall not require a stamp.

**5. Annual revision of the register of voters.**—(1) The register of voters shall be revised at least once a year in a month which the State Government may by a general or special order fix.

(2) The Prescribed Authority shall announce the fact of annual revision by beat of drum and shall fix a date, not earlier than three days from the date of announcement on which the Pradhan and in his absence the Up-Pradhan of the Panchayat shall remain at the headquarter of the Panchayat from 10 A.M. to 4 P.M. and shall receive all claims and objections which shall be personally presented to him in duplicate. The Pradhan and in his absence the Up-Pradhan, shall immediately deliver one copy of claim or objection, signed by him as a receipt to the person filing the same and shall mention therein the serial number of claim or objection and the date, the place of hearing of the objection fixed by the Prescribed Authority, which shall not be earlier than five days from the date of filing of the claim or objection. If the claim or objection is for the removal of any person's name from the register of voters for any reason except death, the Pradhan or in his absence the Up-Pradhan shall inform such person also in writing of the date and time of hearing of the said claim or objection.

(3) A person may file any number of claims or objections including those on behalf of others by one petition which shall not require a stamp.

(4) Such claims and objections shall remain published under the supervision of the Pradhan or in his absence of the Up-Pradhan of the Panchayat at the Panchayat Office for a period of three days and any person can inspect them as well as the register of voters without any payment of fee.

(5) On the date already notified the Prescribed Authority shall, after making such enquiry and hearing such persons as may appear necessary decide the claim or objection and under his signature order amendment, if any, of Part I or II or both of the register accordingly.

**NOTE.**—If a person has attained the age of twenty-one years on the first day of January of the year of revision, he shall be treated as an adult.

(6) After the disposal of claims and objections and making necessary changes in the register of voters the same shall be published at the office of the Panchayat.

(7) The State Government may by a general or special order direct the revision of the register of voters at any time and may by an order lay down the procedure that may be followed on such occasion.

**6. Custody of the register.**—The Panchayat shall be responsible for the safe custody of the register.

#### PRELIMINARY STEPS BEFORE CONDUCT OF ELECTIONS

**7. Constituencies in a Panchayat.**—(1) The Prescribed Authority shall cause the Panchayat area to be divided into as many constituencies as there are villages in the said area. In the case of a Panchayat comprising of only one village, the said village shall constitute one constituency:

Provided that in case of a Panchayat area comprising of more than one village in which a seat or seats are reserved for the Scheduled Castes, and the number of such seats is less than the number of villages comprising the Panchayat area, the said area shall be divided into as many constituencies as there are seats reserved for the Scheduled Caste:

Provided further that in case of a Panchayat area comprising of only one village having population over two thousand the Prescribed Authority may cause the Panchayat area to be divided into wards.

(2) The number of members to be allotted to each constituency shall, subject to the provision of section 7 of the Act, be based on its population as far as possible.

**8. Number of Panchayat's members.**—The number of members to be assigned to a Panchayat area in addition to its Pradhan and Up-Pradhan shall be regulated in proportion to the population of the area comprised in a Panchayat. For Panchayat area having a population not exceeding 1,000 there shall be 9 members and for every additional population of 500 or part thereof not below 250—there shall be one additional member subject to the total not exceeding 15 members.

**9. Reservation of seats.**—In calculating the number of seats to be reserved for the Scheduled Caste communities in proportion to their population, fraction less than half shall be disregarded and those not less than half shall be counted as one.

**10. Publication of Part II of register.**—(1) On or before such date as may be fixed by the State Government, the Prescribed Authority shall publish in Hindi Part II of the register at such place within the area of the Panchayat and in such manner as may be determined by him for the purpose of inviting claims and objections. At the time of publication of the register, the Prescribed Authority shall also publish a notice requiring that claims and objections if any, shall be filed within five days, next following and the name of the person and the place and time when he shall receive them.

(2) *Language.*—The register and its copies shall be prepared in Hindi in Dev Nagri character and the cost of preparing the register and its copies shall be borne by the Panchayat concerned:

Provided that the cost of preparing the register and its copies for the first election after the enforcement of the Act shall be borne by the Government.

(3) Part II of the register shall be open for inspection daily except on important festivals and holidays between 10 A.M. and 4 P.M. and its extracts may be taken by any resident of the Panchayat area free of charge.

**11. Filing of claims and objections.**—(1) The Prescribed Authority shall immediately after publication of the register, mentioned in rule 10 appoint an officer for hearing of all claims and objections and fix a date time and place for this purpose and shall have them announced by beat of drum in the area of the Panchayat concerned.

(2) Within five days of the publication of Part II of the register, any person whose name is not entered in it and who claims to have it inserted therein, or any person whose name is on the said register and who objects to the inclusion of the name of any other person in it may prefer a claim or objection, as the case may be, in writing to such officer as may be appointed by the Prescribed Authority in this behalf. The said officer shall immediately deliver one copy of claim or objection signed by him as a receipt to the person filing the same and shall mention therein the serial number of the claim or objection, as the case may be:

Provided that a person may file any number of claims or objections including those on behalf of others by one petition which shall not require a stamp, and that they shall be filed in person and in duplicate.

**12. Publication of claims and objections.**—The Officer receiving claims and objections shall, on a date immediately following the last date fixed for receiving the claims and objections, publish the same at such place and in such manner as may be determined by Prescribed Authority. The claims and objections so published shall remain open for inspection between 10 A.M. and 4 P.M. for three days.

**13. Hearing of claims or objections and consequential amendments in the register.**—(1) An Officer appointed by the Prescribed Authority in this behalf shall, on the appointed date, time and place after making such enquiry and hearing such persons as may appear necessary, decide claims and objections and order amendment, if any, of Part II of the register accordingly:

Provided that the appellate officer authorised in this behalf by the Prescribed Authority may, within six days of the order passed under this rule, on an application made to him within three days of the said order, revise the said order and make any consequent correction in Part II of the register.

(2) The parties to the claims and objections may appear before the officer either personally or through a representative authorised in writing not requiring a stamp.

**14. Publication and finalization of the amended register.**—Subject to any corrections in Part II of the register ordered by revising officer under proviso to sub-rule (1) of rule 13—

(a) the orders made by the Officer hearing claims and objections shall be final;

(b) the register so amended shall be immediately finalised and published and shall not be altered so long as it continues to be in operation except as provided by section 4 of the Act;

Provided that the Prescribed Authority may, at any time, order the removal therefrom of the name of any person who is dead or who has become subject to any disqualification mentioned in section 6 of the Act, or is discovered to have been subject to any such disqualification at the time of being enrolled as a voter or is disentitled to be enrolled under section 5 of the Act, or order the correction of any clerical error.

**15. Enrolment of disqualified persons.**—The State Government or the Prescribed Authority or any officer authorised by the State Government in this behalf shall on an application made or information received, direct the entry in Part II of the register of the name of any person who, though qualified for being enrolled was not so enrolled, or whose name could not be enrolled due to any disqualification existing at the time of the preparation or amendment or revision of the register, if the said authority is satisfied that his name ought to be enrolled or that such disqualification has ceased to exist.

## CHAPTER II

### ELECTION OF MEMBERS OF PANCHAYATS

**16. Definition.**—In this Chapter:—

(a) "Constituency" means a constituency provided under rule 7;

(b) "Director of Elections" means the officer appointed by the State Government to perform the functions of the Director of Elections under these Rules;

(c) "Election" means an election to fill a seat in a Panchayat;

(d) "Elector" means a person registered as a voter in the Register of voters prepared under section 4 of Act and who is not disqualified to vote under section 6 of the Act;

(e) "Election Return" means an election return in the prescribed form;

(f) "Polling Return" means a polling return in the prescribed form;

(g) "Returning Officer" includes an Assistant Returning Officer;

(h) "Seat" means a seat allotted to a constituency for election to a Panchayat.

(i) "Specified" means specified by the Director of Elections.

**17. Superintendence, Control and Direction for conduct of Elections.**—(1) The conduct of elections under this chapter shall be under the general superintendence, direction and control of the Director of Elections.

(2) Subject to the general superintendence, direction and control of the Director of Elections the Sub-Divisional Officers shall supervise the conduct of elections in their respective Sub-Divisions.

**18. Returning Officer.**—(1) For each Panchayat there shall be a returning officer who shall be such officer of the State Government as the Sub-Divisional Officer concerned may designate or nominate.

(2) The Returning Officer shall perform the functions required to be performed under this Chapter and it shall be his general duty at the election to do all such acts and things as may be necessary for effectually conducting the elections in the manner provided by the rules and the directions issued by the Director of Elections.

**19. Assistant Returning Officer.**—(1) The Sub-Divisional Officer concerned may appoint as Assistant Returning Officers to assist any Returning Officer in the performance of his functions.

(2) Every Assistant Returning Officer shall be competent to perform all the functions of the Returning Officer.

**20. Presiding Officer.**—(1) The Returning Officer shall with the approval of the Sub-Divisional Officer concerned appoint a Presiding Officer for each polling place in the constituency and the same person may be appointed Presiding Officer for more than one Polling place.

(2) The Presiding Officer shall perform the functions required to be performed under this Chapter and it shall be his general duty to keep order at the Polling place and to see that the poll is fairly taken.

**21. Polling Officer.**—(1) The Returning Officer shall with the approval of the Sub-Divisional Officer concerned appoint for each polling place such polling officer or officers as he thinks necessary to assist the Presiding Officer for the polling place in the performance of his functions and to do such other things as he is required to do under this chapter.

(2) If a Polling Officer is absent from the Polling place, the Presiding Officer may appoint any person who is present at the polling place other than a person who has been otherwise working for a candidate in or about the election to be the polling officer during the absence of the former officer and in case of any such appointment he shall inform the Returning Officer accordingly.

(3) If the Presiding Officer is obliged to absent himself from the Polling place his functions shall be performed by such polling officer as has been previously authorised by the Returning Officer for the purpose.

(4) For each polling place there shall be authorised by name by the Returning Officer a polling officer to perform the functions of the Presiding Officer in the latter's absence.

**22. Appointment of election Agent.**—A person nominated as a candidate at an election may before the delivery of his nomination paper, appoint in writing in the prescribed form any person to be his Election Agent.

**23. Polling Agents.**—(1) A candidate who has been duly nominated and has not withdrawn his candidature may appoint any person to act as his polling agent at each polling place.

(2) The appointment shall be made by a letter in writing in the prescribed form and shall be lodged with the Presiding Officer before the commencement of the poll.

**24. General Elections.**—A general election shall be held in accordance with the provisions of this Chapter.

**25. Notification of Election and fixing of dates.**—(1) Whenever a general election is to be held the Sub-Divisional Officer shall under directions from the Director of Elections, call upon all the constituencies of a Panchayat to elect members for the Panchayat before such date as may be fixed by the Director of Elections.

(2) The Sub-Divisional Officer shall, and subject to such directions as may be issued by the Director of Elections, also appoint:—

- (a) the date place and hours for making nominations;
- (b) the date, time and place for scrutiny of nominations;
- (c) the last date and hours for preliminary withdrawal of candidatures; and
- (d) the date or dates on which, and the hours during which a poll shall be necessary, be taken.

(3) The Returning Officer shall give public notice of the dates fixed under sub-rules (1) and (2) in such manner as may be specified by the Director of Elections.

**26. Polling places.**—The Returning Officer shall fix a polling place for the constituency and notify the same alongwith notice under sub-rule 3 of rule 25.

**27. Presentation of nomination paper.**—(1) Any elector may be nominated as a candidate for election to fill a seat in a constituency either as a Pradhan or Up-Pradhan or a member if he is qualified to be chosen to fill that seat under the provisions of the Act and the rules.

(2) A candidate shall deliver either in person or by his proposer or seconder to the Returning Officer on the date and place and during the hours fixed under sub-rule (2) of Rule 25 a nomination paper in the prescribed form subscribed by the candidate himself as assenting to the nomination and by two electors as proposer and seconder.

(3) Any elector of the constituency concerned may subscribe as proposer or seconder as many nomination papers as there are vacancies to be filled in the constituency but no more.

(4) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names of the candidate and his proposer and seconder as entered in the nomination paper are the same as those entered in the voters register:

Provided that the Returning Officer may—

(a) permit any clerical error in the nomination paper in regard to the said names to be corrected in order to bring them into conformity with the corresponding entries in the voters register; and

(b) where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

(5) Where the candidate seeks election to a seat reserved for the Scheduled Castes, there shall accompany with the nomination paper a declaration in the prescribed form subscribed by him stating that he is a member of the Scheduled Caste and specifying the particular caste to which he belongs.

(6) Any nomination paper which is not received before the close of the hour fixed in that behalf on the date appointed for filing nomination paper shall be rejected by the Returning Officer.

(7) Nothing in these Rules shall prevent any candidate from being nominated by more than one nomination paper for election in the same constituency.

**28. Printing and price of nomination forms.**—The Director of Elections shall arrange for the supply of prescribed printed nomination forms to the candidates. The price of each nomination form shall be such not exceeding rupees -/8/-.

**29. Notice of nomination.**—The Returning Officer shall on receiving the nomination paper under rule 27 inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall as soon as may be thereafter, cause to be affixed in some conspicuous place in the office of the Panchayat, notice of the nominations filed in the specified form.

**30. Scrutiny of nominations.**—(1) On the date and at the time and place fixed for the scrutiny of nominations the Returning Officer shall examine the nomination papers, not already rejected under sub-rule (3) of rule 27 in the presence of the candidates and their election agents if any, who may be present after giving them reasonable facilities for examining the nomination papers.

(2) The Returning Officer may reject any nomination on any one or more of the following grounds:—

(a) that the candidate is not qualified under the Act to be chosen to fill the seat;

(b) that the candidate is disqualified for being chosen to fill the seat under the Act; or

(c) that there has been failure to comply with any of the provisions of rule 27.

(3) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected shall record in writing a brief statement of his reasons for such rejection.

(4) At the end of the scrutiny the Returning Officer shall announce the names of candidates whose nominations he has accepted and shall cause to be fixed at the office of the Panchayat a list in the prescribed form showing the names in Hindi alphabetical order with particulars as given in the nomination papers of the candidates whose nomination papers he has accepted.

**31. Withdrawal of candidature.**—Any candidate may withdraw his candidature by a notice in writing in the prescribed form which shall be signed by him and delivered by him personally or through his election agent to the Returning Officer on the date and the hours fixed for preliminary withdrawals under rule 25. Notice once given cannot be withdrawn and shall be final.

**32. List of contesting candidates.**—(1) The Returning Officer shall immediately after the expiry of the date for preliminary withdrawal fixed under rule 25 prepare a list of contesting candidates in the prescribed form

(2) The list of contesting candidates shall be prepared in Hindi and shall contain the names in alphabetical order of the contesting candidates as given in their nomination papers. The alphabetical order shall be determined with reference to the names proper of candidates.

**33. Uncontested Election.**—(1) Where on preparing the list under rule 32 the Returning Officer finds that the number of contesting candidates therein does not exceed the number of seats and there are no seats reserved for the Scheduled Castes he shall forthwith declare all such candidates as duly elected.

(2) If out of the seats to be filled one or more are reserved for members of the Scheduled castes then:—

(a) if the number of contesting candidates who are members of the Scheduled Castes does not exceed the number of reserved seats and number of other contesting candidate exceeds the number of seats not reserved, the Returning Officer shall declare all candidates who are members of the Scheduled Castes to be duly elected to as many of the reserved seats as there are such candidates.

(b) if the number of contesting candidates who are members of the Scheduled Castes does not exceed the number of reserved seats and the number of other contesting candidates does not exceed the number of seats not reserved for the Scheduled Castes the Returning Officer shall at first declare all the candidates who are members of the Scheduled Castes to be duly elected to as many of the reserved seats as there are such candidates and then declare the other candidates to be duly elected to fill as many of the unreserved seats as there are such candidates; and

(c) if the number of contesting candidates who are members of the scheduled castes exceeds the number of reserved seats but the total number of contesting candidates does not exceed the total number of seats the Returning Officer shall first select by lots, to be drawn by him in such manner as he may determine, the candidates to be declared elected to the reserved seats out of the candidates who are members of the scheduled castes and declare the candidates so selected to be duly elected to fill the reserved seats and thereafter declare the remaining candidates to be duly elected to fill as many of the unreserved seats as there are contesting candidates left.

(3) The Returning Officer shall report to the Sub Divisional Officer the names of candidates declared elected under this rule and the nature of seat (whether reserved or unreserved) to which they were elected and he will also report the number of seats of either nature remaining unfilled.

(4) In the case mentioned in clause (a) of sub-rule (2) the Returning Officer shall order that the poll shall be taken for the unreserved seats alone and in the other case under this rule no poll shall be taken.

**34. Contested elections.**—Where on preparing a list under rule 32 the Returning Officer finds that the number of contesting candidates exceeds the number of seats to be filled he shall forthwith publish the list in such manner as may be specified by the Director of Elections and shall also declare that a poll shall be taken on the date and place and during the hours fixed in that behalf.

**35. Death before poll.**—If a candidate whose nomination has been accepted and who has not withdrawn his candidature dies before a poll is held and the Returning Officer finds that the number of contesting candidates remaining on the list prepared under rule 32 does not exceed the total number of contesting candidates or the number of contesting candidates who are members of the

Scheduled Castes does not exceed the number of reserved seats, he shall forthwith proceed in accordance with the provisions of rule 33 and declare the results.

**36. Arrangements for polling.**—The Returning Officer shall provide at each polling place a copy of the Voter's register in respect of the polling area or areas the electors of which are entitled to vote at such polling places as well as other forms and material as may be required for taking the poll at such polling place.

**37. Admission to the Polling Place.**—The Presiding Officer shall regulate the admission of electors at the polling place and shall exclude therefrom all other persons except :—

- (a) the polling officers;
- (b) each candidate and his polling agent;
- (c) the police officers and other public servants on duty;
- (d) a child in arms accompanying an elector;
- (e) the companions of blind or infirm electors who cannot move without help; and
- (f) such other persons as the Presiding Officer may from time to time admit for the purpose of assisting him in taking the poll.

**38. Right to vote.**—(1) No person who is not, and except as expressly provided by the Act, every person whose name is, for the time being entered in the voter's Register pertaining to the constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election in any constituency if he is subject to any of the disqualifications referred to in section 5 of the Act.

(3) No person shall vote at a general election in more than one constituency of Panchayat and if a person votes in more than one such constituency his votes in all such constituencies shall be void.

(4) Every elector shall have as many votes as there are contesting candidates, but no elector shall give more than one vote to any one candidate.

(5) No person shall vote at any election if he is confined in a prison whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the Police.

**39. Procedure before commencement of polling.**—(1) Immediately after the commencement of the hour fixed for the meeting, the Presiding Officer, shall declare that the meeting for the poll has started and shall count the electors present at the meeting and shall record their number in the polling return.

(2) Where it is brought to the notice of the presiding Officer that any person present at the meeting is not an elector the Presiding Officer shall hold a summary enquiry into the matter. If after the enquiry the Presiding Officer is of the opinion that the person concerned is not an elector he shall require such person to leave the place of the meeting and shall keep a note of the same in the record of the meeting to be prepared under sub-rule (5) of rule 40.

(3) The Presiding Officer shall thereafter enquire if any of the candidates, whose name appears in the list of contesting candidates prepared under rule 32, wishes to withdraw his candidature.

(4) If any candidate wishes to withdraw his candidature he shall deliver to a Presiding Officer a notice of withdrawal in the specified form duly signed by him.

(5) Where after the withdrawal the Presiding Officer finds that the number of contesting candidates remaining on the list referred to in sub-rule (3) does not exceed the total number of seats to be filled or the number of contesting candidates who are members of the Scheduled Castes does not exceed the number of reserved seats, he shall forthwith proceed in accordance with the provisions of rule 33 and shall declare that the poll shall be taken for the unreserved seats alone or that no poll shall be taken as the case may be.

(6) Where a poll is necessary the Presiding Officer shall announce the names of contesting candidates and the nature and number of seats to be filled.

(7) The Presiding Officer shall if necessary divide the electors present into convenient groups in charge of a Polling Officer:

Provided that Presiding Officer may arrange separate groups for women electors.



**40. Procedure for voting.**—(1) Votes shall be given by show of hands.

(2) The Presiding Officer shall call out, one by one, the names of contesting candidates announced under sub rule (6) of rule 39 and shall before the next candidate is called require electors present and who may be desirous of giving their votes to the candidates to raise their hands. No elector may raise more than one hand.

(3) The Presiding Officer shall count the number of hands raised and record the same in the Polling returns and also announce it. He shall also give an opportunity to the polling agents to count the number of hands so raised.

(4) The Polling shall be continued till votes have been taken for all contesting candidates.

(5) The Presiding Officer shall, as soon as may be, after votes have been taken for all the candidates, in the presence of the candidates or their polling agents who may be present prepare a record of the voting and of the meeting in the polling return.

(6) The candidate or his polling agent shall be allowed an opportunity to sign the polling return. Where the candidate or his polling agent disputes the correctness of the number of votes recorded for any candidate in the polling return or any other statement pertaining to the record of the meeting he may make his observations separately in an application to be made to the Presiding Officer.

(7) The Presiding Officer shall deliver the Polling return to the Returning Officer as soon as may be practicable.

**41. Adjournment of poll in emergency.**—(1) If at an election the proceedings at any polling place are interrupted or obstructed by any riot or violence or are likely to be so interrupted or obstructed or if it is not possible to take the poll on account of any natural calamity, or any other sufficient cause, the Presiding Officer for such polling place shall announce an adjournment of the poll to a date to be notified later and votes already taken for any candidate shall be void and where the poll is so adjourned by a Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub rule (1) the Returning Officer shall immediately report the circumstances to the Sub Divisional Officer and the Returning Officer shall, with his previous approval, appoint the day on which a fresh poll shall be held, and fix the polling place at which and the hours during which the poll shall be taken.

(3) Where a poll is adjourned under sub-rule (1) and a fresh poll takes place under sub rule (2) votes shall be taken afresh for all the contesting candidates and the provisions of this chapter shall apply to every such fresh poll as they apply to the original poll.

**42. Fresh polling in certain cases.**—(1) If at any election any polling return is taken out of the custody of the Returning Officer or of any Presiding Officer, or is in any way tampered with or is either accidentally or intentionally destroyed or lost the election to which such return relates shall be void.

(2) Whenever the polling at any polling place shall become void under sub rule (1) the Returning Officer shall, as soon as may be, after the act or event causing such violence has come to his knowledge, report the matter to the Sub-Divisional Officer concerned and shall with his previous approval appoint a day for the taking of a fresh poll at such polling place and fix the hours during which the poll will be taken.

(3) In every such case as aforesaid the Returning Officer shall take a fresh poll at such polling place as aforesaid on the day so appointed by him, and shall notify the date so appointed and the hours of polling so fixed by him in such manner as may be specified by him and the provisions of this chapter shall apply to every such fresh poll as they apply to the original poll.

**43. Election return.**—The Returning Officer shall verify the polling returns received from the Presiding Officer and shall prepare an election return in a specified form setting forth the results of election.

**44. Equality of votes.**—If an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of these candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

**45. Declaration of results.**—(1) When the verification under rule 43 has been completed the Returning Officer shall, where no seats are to be filled by members of the Scheduled Castes, declare as many candidates securing the highest number of votes as there are seats to be filled to be duly elected.

(2) Where one or more seats are reserved for members of the Scheduled Castes, the Returning Officer shall first declare those candidates, who being members of the Scheduled Castes, secure the largest number of votes to be duly elected to fill the reserved seats and then declare such of the remaining candidates as have secured the largest number of votes to be duly elected to fill the remaining seats.

*Illustration.*—At an election in a ward to fill four seats of which two are reserved there are six candidates, A, B, C, D, E and F and they secure votes in descending order, A securing the largest number, B, C and D are qualified to be chosen to fill the reserved seats, while A, E and F are not qualified. The Returning Officer will first declare B and C duly elected to fill the two reserved seats, and then declare A and D (not A and E) to fill the remaining two seats.

**46. Report of result.**—(1) As soon as may be after the result of election has been declared, the Returning Officer shall report the result to the Sub Divisional Officer and shall also inform the Secretary of the Panchayat of the same.

(2) On receipt of the report from the Returning Officer the Sub Divisional Officer shall immediately forward the same to the Director of Elections.

**47. Custody inspection and disposal of Election papers.**—(1) The Returning Officer shall, after reporting the result of the election under rule 46 forward all papers pertaining to election to the Prescribed Authority for safe custody.

(2) All papers relating to the election shall be open to public inspection subject to such conditions and subject to payment of such fees as may be specified by the Director of Elections.

(3) The election return referred to in rule 43 shall be retained till the termination of the next general elections for the Panchayat to which it relates and shall thereafter be destroyed subject to any directions to the contrary given by the Director of Elections or by a competent Court or by a Tribunal.

(4) All other papers relating to elections shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary given by the Director of Elections or by a competent court or by a Tribunal.

**48. Announcement of the Result.**—The Director of Election shall, as soon as possible after the announcement of the results, publish the names of the successful candidates locally by pasting a list at the office of the Tehsil and at other conspicuous places in the area of the panchayat as he may consider fit and also by beat of drum.

**49. Bye Election.**—Where any vacancy arises by reasons of the death, resignation, removal or the avoidance of election of any member of the Panchayat the Director of Elections shall appoint the date, time and place for the various stages of bye elections in accordance with the provisions of rule 25 and the provisions of rules in this Chapter shall apply, as far as may be, in relation to the election of a person to fill such vacancy:

Provided that where a Panchayat has been divided into constituencies, the election shall be held in that constituency from which the person due to whose death, resignation, removal or avoidance of election the vacancy has arisen had been elected.

**50. Vacancies at a general election of members.**—Upon receipt of report under sub-rule (3) of rule 33 of any seat remaining unfilled the Sub Divisional Officer shall, as soon as may be, appoint a fresh date, time and place for each item mentioned in sub rule (3) of rule 25 and provisions of this chapter shall *mutatis mutandis* apply.

**51. Penalties.**—Any person who—

- (1) Alters or tampers with the register of voters or its copy or other documents in contravention of the rules; or
- (2) Obstructs or in any way interferes with any officer or servant appointed or employed for the purposes of these rules in the performance of his duties, or
- (3) Defaces, injures, disturbs or removes any copy, notice or other documents fixed up or otherwise published under these rules in any public office or elsewhere, shall be punishable with fine which may extend to rupees ten.

## CHAPTER III

## ELECTION OF PRADHAN AND UP-PRADHAN

**52. General Elections.**—(1) Whenever an election to the office of Pradhan/Up-Pradhan of a Panchayat is to be held it shall be held simultaneously and alongwith the election of members of the Panchayat under Chapter—II.

(2) The provisions of rules contained in Chapter II shall *mutatis mutandis* apply to the election of Pradhan/Up-Pradhan.

Provided that—

(a) The Returning Officer and the Assistant Returning Officer for the Panchayat appointed under rules 17 and 19 shall be the Returning Officer and the Assistant Returning Officer for election of Pradhan/Up-Pradhan and it shall not be necessary to make any separate appointments;

(b) The polling places fixed, presiding officer and polling officers appointed for elections under Chapter II shall respectively be the polling places, presiding officers and polling officers for election of Pradhan/Up-Pradhan and it shall not be necessary to fix any separate place or make any separate appointments;

(c) The price of the printed nomination form shall be fixed by the Prescribed Authority but shall not exceed rupees twelve;

(d) Where at the close of scrutiny or by reason of withdrawal of candidature or death of any candidate at any time later on in the case of election for the office of Pradhan/Up-Pradhan; if—

(i) there is only one contesting candidate, the Returning Officer shall declare him duly elected and inform Sub Divisional Officer accordingly, and if;

(ii) there is no contesting candidate the Returning Officer shall report the fact to the Sub Divisional Officer;

(e) Upon the receipt of a report under sub clause (ii) of clause (d) the Sub Divisional Officer shall appoint fresh date for election in accordance with rule 25 and the Returning Officer shall conduct the election as far as may be in the same manner as is laid down in these rules for the election of Pradhan/Up-Pradhan at a general election.

**53. Bye Election.**—If a vacancy arises in the office of Pradhan or Up-Pradhan by reason of the death, resignation, removal or the avoidance of election of a Pradhan or Up-Pradhan the Sub Divisional Officer shall, as soon as may be on the receipt of the report of the vacancy, appoint the date, time and place for various stages of election in accordance with rule 25 and the provisions of the Act and the rules contained in this Chapter shall apply, as far as may be, in relation to the election of Pradhan/Up-Pradhan to fill such vacancy.

## MISCELLANEOUS

**54.** Save as otherwise provided all disputes arising under the preceding rules shall be decided by the Sub Divisional Officer whose decision shall be final and cannot be called in question in any proceeding whatsoever.

**55.** Except the first general election all costs incurred in the preparation of the registers of population and voters, the publication of notices, the holding of election or taking any other necessary action under these rules shall be payable from the Panchayat fund

**56.** Any person who being a servant of the Local body or State Government canvasses, interferes or in any way uses his influence in an election shall be liable for breach of Government servants conduct Rules or any other rule in force.

## CHAPTER IV

## TIME AND PLACE OF THE MEETINGS OF PANCHAYATS AND THE MANNER OF CONVENING MEETINGS AND GIVING NOTICE THEREOF

**57. Proceedings of Panchayats.—Time and Place of the meeting.**—(1) Every panchayat shall provide an office and it shall ordinarily meet therein at least once in every month for the transaction of business upon such days and at such times as it may arrange and also at other times as often as a meeting shall be called by the Pradhan:

Provided that a meeting of the Panchayat may be held at a place other than the Panchayat office but within the Panchayat area, as the Pradhan may from time to time fix.

(2) No meeting shall be held on any day observed by the Panchayat as a holiday.

**58. Notice of meeting.**—(1) No meeting shall be held unless written notice of the day time and place when and where the meeting is to be held and of the business to be transacted there, has been given to the members atleast 7 days before the day of the meeting.

(2) In cases of urgency the Pradhan or in his absence the Up-Pradhan may convene a meeting on giving at least 24 hours notice.

(3) Notwithstanding anything contained in sub-rules (1) and (2) a notice of atleast 10 days shall be given in the case of any meeting specially convened for the purpose of removal of Pradhan or Up-Pradhan.

(4) The notice of the meeting shall be signed by the Pradhan or in his absence by the Up-Pradhan. In the absence of both the persons, the notice shall be signed by the Secretary of the Panchayat:

Provided that this provision shall not apply to the meetings convened under sub-rule (2) of Rule 59 and Rule 67.

**59. Convening of meeting on the requisition of members.**—(1) The Pradhan shall on the requisition in writing of not less than 1/3rd of the members then on the Panchayat convene a meeting of the Panchayat provided that the requisition specifies the day (not being a day observed by the Panchayat as a holiday) when and the purpose for which the meeting is to be held. The requisition shall be delivered at the office of the Panchayat during office hours to the Pradhan, or any other person who may then be incharge of the office, at least 10 clear days before the day of the meeting.

(2) If the Pradhan fails within forty-eight hours from the delivery of such requisitions to call a meeting on the day specified therein, or within three days thereafter the meeting may be called by the members who signed the requisition on giving the notice provided for in sub-rule (1) of Rule 58 to the other members of the Panchayat.

(3) No meeting under sub-rule (1) or (2) shall be convened at any place other than the place where the office of the Panchayat is situated.

**60. Meetings to be open to the public.**—All the meetings of a Panchayat shall be open to the public, provided that the presiding member may, in any particular case, direct that the public generally or any particular person shall withdraw.

**61. Decision to be by majority.**—All questions excepting those mentioned in Rule 63 and section 16 of the Act, which may come before a Panchayat at any meeting shall be decided by a majority of the members present and voting at the meeting and, in case of equality of votes, the presiding member shall have and exercise a second or casting vote. In the case of any resolution not carried unanimously, the names of the members who vote for and against it shall be recorded.

**62. Quorum & Procedure.**—(1) No business shall be transacted at a meeting of any Panchayat unless there be present atleast one third of the number of members then on the Panchayat.

(2) If, within half an hour after the time appointed for a meeting, there is still no quorum, the meeting shall stand adjourned, unless all the members present agree to wait longer.

(3) If a meeting is adjourned for want of quorum, no quorum shall be necessary for an adjourned meeting but a fresh notice of atleast 3 clear days in writing of the meeting shall be given.

**63. Reconsideration of a decision by the Panchayat.**—No resolution of a Panchayat shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the Panchayat supported by not less than two-thirds of the whole number of the members there on the Panchayat.

**64. Proceedings to be kept in Hindi.**—Each Panchayat shall keep in Hindi a brief record of its meetings and proceedings in a book in form No. 11. A copy of the proceedings shall be sent to the Prescribed Authority within seven days of the meetings.

**65. Members interested in the business under discussion.**—(1) No member shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Panchayat, if the question is one in which, apart from its general application to the public he has any direct or indirect pecuniary interest.

(2) The presiding officer may prohibit any member from voting on, or taking part in the discussion of, any question in which he believes such member to have such pecuniary interest, or he may require such member to absent himself during the discussion of such question.

(3) Such member may challenge the decision of the presiding officer who shall thereupon put the question to the meeting. The decision taken in the meeting shall be final.

(4) If the presiding officer is believed by any member present at the meeting to have any such pecuniary interest in any question under discussion the Pradhan may, if a motion to that effect is carried, be required to absent himself from the meeting during such discussion.

(5) The member concerned shall not be entitled to vote on the question referred in sub-rule (3) and the presiding officer concerned shall not be entitled to vote on the motion referred in sub-rule (4).

**66. Manner of presiding the meeting.**—(1) Except as otherwise provided in the Act or the Rules every meeting of a Panchayat shall be presided over by the Pradhan, in his absence, by the Up-Pradhan, and in the absence of both the Pradhan and Up-Pradhan, by a member chosen by the members present at meeting to preside for the occasion.

(2) The Presiding Officer shall preserve order and decide all points of order arising at, or in connection with meetings. There shall be no discussion on any point of order and the decision of the Pradhan on any point of order, shall, save as otherwise expressly provided, be final.

(3) Up-Pradhan, or member presiding for the occasion shall for that meeting and during the period that he presides over it, have all the powers of the Pradhan.

**67. Procedure for removal of Pradhan and Up-Pradhan.**—(1) A written notice of the intention to move a resolution for removal of Pradhan or Up-Pradhan under section 16 of the Act shall be necessary.

(2) The Prescribed Authority shall as soon as may be after the receipt of the notice convene a meeting of the Panchayat after giving a notice as provided for in sub rule (3) of rule 58. The meeting so convened shall be presided over by the Prescribed Authority or any other person authorised by him in writing in this behalf.

(3) The Presiding Officer shall read to the Panchayat the notice received by him. He shall then allow the motion to be moved and discussed. Upon the conclusion of the debate the motion shall be put to vote.

(4) The Presiding Officer shall not speak on the merits of the motion nor, shall be entitled to vote thereon.

(5) The Presiding Officer shall declare the result of the voting. The motion shall be deemed to have been carried only when it has been passed by a majority of two-third of the whole number of members of the Panchayat.

(6) The proceedings of the meeting shall be recorded by the Secretary who shall send a copy of the proceedings together with a copy of the motion and the result of voting to the Prescribed Authority.

(7) With effect from the date to be notified by the Prescribed Authority by affixation of notice at the office of the Panchayat, the Pradhan or Up-Pradhan, as the case may be, shall stand removed from his office and shall make over charge of his office to the person named in the notice.

#### MOVING OF RESOLUTIONS AT MEETINGS OF PANCHAYATS

**68. Notice of resolution.**—A member of a Panchayat who wishes to move a resolution shall intimate his intention in writing to the Pradhan by giving at least 10 days clear notice and such notice shall contain a copy of the resolution which he wishes to move: Provided that the Pradhan may allow a resolution with shorter notice to be entered on the list of business.

**69. Requisites of a resolution.**—No resolution shall however, be admissible which does not comply with the following conditions namely:—

- (a) It shall be clearly and precisely expressed and shall raise a definite issue, and

- (b) It shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity.

**70. Resolution or proposition before Panchayat.**—(1) The Pradhan may disallow the moving of or discussion of any resolution or proposition before the Panchayat which he considers to be beyond the scope or function of the Panchayat and in doing so he shall record his reasons in writing.

(2) The resolutions or propositions not disallowed under rule 70(1) shall be discussed and passed or rejected in accordance with Rule 61.

**71. Procedure for moving resolution.**—(1) A member in whose name a resolution appears on the list of business shall, when called on either—

- (a) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect; or

- (b) move the resolution.

(2) If the member when called on is absent or proposed to withdraw or is unwilling to move the resolution or if he had ceased to be a member before a meeting, any member present at the meeting may move the resolution, and if no member moves, it shall be considered to have been withdrawn.

(3) Every resolution which has been moved shall be seconded otherwise it shall not be discussed.

**72. Discussion on resolution.**—(1) No member shall make a speech except with the permission of the Pradhan.

(2) The discussion on a resolution shall be strictly limited to the subject of the resolution.

**73. Procedure for amendment.**—When a resolution is under discussion any member may, subject to the rules move an amendment to such resolution.

**74. Procedure for withdrawal.**—(1) A member who has moved a resolution or an amendment to a resolution shall not withdraw the same except by leave of the Panchayat.

(2) No discussion shall be permitted on a motion for leave to withdraw except with the permission of the Pradhan.

**75. Consideration of amendment.**—(1) When an amendment to a resolution is moved or when two or more such amendments are moved the Pradhan shall, before taking the sense of the Panchayat thereon, state or read to the Panchayat the terms of original motion and of the amendment or amendments proposed.

(2) Ordinarily the Pradhan shall put amendments to vote in order in which they have been moved and lastly the original motion if all the amendments are lost. But it shall be in his discretion in any case to put to vote the original motion and the amendments in such order as he thinks fit.

**76. Voting on resolutions.**—When any resolution involving several points has been discussed, it shall be in the discretion of the Pradhan to divide resolution and put each or any point separately to vote as he may think fit.

**77. Procedure for and nature of interpellation.**—(1) Questions to be asked by member of Panchayat shall be in connection with the affairs of Panchayat but they must not be argumentative or hypothetical or defamatory of any person or section of community, nor shall they relate to any criminal, civil or revenue case pending before a Nyaya Panchayat or the Judicial conduct of any court or Bench thereof.

(2) Pradhan of a Panchayat may disallow any question which does not conform to the preceding rule and in any such case it shall not be entered in the minutes.

(3) On receipt of the question the Pradhan or Up-Pradhan or the Secretary or any other member authorised by him (Pradhan) shall serially number them in the order of their date of receipt and shall place them before the Pradhan who may give necessary direction to any officer or servant of the Panchayat to prepare answer to the question.

- (a) At the next meeting of the Panchayat the Pradhan or with his permission the Up-Pradhan or the Secretary of the Panchayat shall read answers to the question duly received, before the meeting, but no supplementary question shall be allowed.

- (b) A member putting a question may withdraw the same at any time before the answer is read at the meeting but in any such case the question shall be expunged from the minutes.

- (c) If the member who has given due notice in question has not withdrawn before the meeting is held, and is not present at the meeting, the Pradhan may allow the question to be put by any other member present and the answer to the same to be read.

**78 Procedure at meetings of Panchayats.**—The following procedure shall be followed at the meeting of the Panchayat

- (a) answer to the question, if any required to be given under rules shall be given,
- (b) the accounts of previous months shall be presented and considered;
- (c) a list of changes, if any, made in Parts I and II of the register of voters under Rule 4 after the last meeting shall be presented,
- (d) circulars and orders received from Government, Director of Panchayats or other officer shall be read and explained
- (e) development work done during the past month shall be presented,
- (f) proceedings of sub committee of Panchayat shall be read and considered,
- (g) other business, if any, shall be then taken up and considered,
- (h) the proceedings of the meeting shall, as far as possible, be drawn, read and confirmed and then signed by the Pradhan before the meeting is over.

#### RULES PROVIDING FOR THE FORMATION OF COMMITTEES

**79 Formation of Administrative Committee.**—(1) For the discharge of its administrative functions a Panchayat may form the following committees, each consisting of not more than 5 members who shall hold office for one year—

- (a) Lighting and Water Committee,
- (b) Health and Sanitation Committee,
- (c) Finance Committee,
- (d) Development and Works Committee,
- (e) Village Defence and Crop Protection Committee, and
- (f) Such other committees as it may deem necessary

Provided that a person who ceases to be a member of a Panchayat shall also cease to be a member of a committee

(2) For a meeting of any committee a quorum of three members shall be necessary but if a meeting is adjourned for want of quorum, no quorum shall be necessary for adjourned meeting

(3) A person may be member of more than one committee

(4) If any member of a committee fails to attend five consecutive meetings of such committee without any sufficient cause, he shall thereby cease to be a member of that committee and Panchayat shall appoint another member in his place

**80 Chairman for a committee.**—(1) One of the members elected under rule 79(1) to form a committee shall be named by the Panchayat to be the Chairman of that committee

(2) The Chairman shall preside at all meetings of the committee but in his absence from a meeting of the committee the members present shall elect one of themselves to be the Chairman of that meeting

(3) At the meetings of any committee constituted under rule 79 (1) decision shall be taken by majority of votes and in the case of equality of votes, the chairman, shall have a casting vote

**81 Powers of committee.**—The committee shall exercise such powers as may be delegated to it by the Panchayat and shall be subject to the general control of Panchayat

**82 Proceedings of committee.** (1) Each committee shall keep a record of its proceedings in Hindi in Form No 11

(2) A copy of the minutes of the proceedings at every meeting of the committee shall within three days of the date of the meeting be forwarded by the Chairman of the Committee to the Pradhan of the Panchayat and the Pradhan shall place the same for its approval before the Panchayat at the first meeting of the Panchayat held after the receipt thereof by him

(3) Proceedings of each committee shall be read before a meeting of Panchayat which may, for sufficient reasons to be recorded, revise any decision of a committee.

#### PRESENCE OF PERSONS OTHER THAN MEMBERS IN MEETING OF PANCHAYATS

83. **Persons other than members allowed.**—The Prescribed Authority or the Pradhan may allow the presence of persons other than members of Panchayat in the meeting of the Panchayat or its committees in an advisory capacity.

#### DUTIES OF THE PRADHAN AND UP-PRADHAN

84. **Duties of the Pradhan of Panchayat.**—It shall be the duty of the Pradhan and Up-Pradhan unless prevented by reasonable cause:—

- (1) to convene and preside at all meetings of the Panchayat;
- (2) to control the transaction of business at the meetings and preserve order;
- (3) to watch over the financial and superintend the executive administration of the Panchayat and bring to its notice any defect therein;
- (4) to superintend and control the establishment maintained by the Panchayat;
- (5) to carry out the resolutions of the Panchayat;
- (6) to arrange for the maintenance of the various registers provided under the rules and to carry on all correspondence on behalf of the Panchayat;
- (7) to arrange for the execution of the various works, for the custody of the property of the Panchayat and for the assessment and collection of taxes, rates and fees imposed by the Panchayat.
- (8) to file civil cases and launch prosecution on behalf of the panchayat; and
- (9) to perform such other duties as are required of or imposed on him by or under the Act or any other law.

85. **Special powers of the Pradhan.**—(1) In the case of any grave emergency and under intimation to the Prescribed Authority a Pradhan may do any work which the Panchayat has power to do, without obtaining the prior sanction of the Panchayat, but the matter shall be placed before the Panchayat at its next meeting..

(2) For the purposes of controlling and preventing out-break of any epidemic or infectious disease in any village the Pradhan, shall, subject to the directions or orders of the State Medical Officer of Health or any Officer authorised by him in this behalf have all the powers necessary to stop infected persons or food from entering or leaving the village, arrange for the compulsory inoculation or vaccination of all persons residing in the village, take charge of polluted food, arrange for the destruction of rats and the evacuation of houses and do such other acts as may in the opinion of the Pradhan, be necessary for the control and the prevention of the diseases.

86. **Duties and powers of the Up-Pradhan.**—(1) When the office of the Pradhan is vacant the Up-Pradhan shall exercise the functions of the Pradhan until a new Pradhan is declared elected and assumes office.

(2) If the Pradhan has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, his functions during such absence or incapacity shall except otherwise provided, devolve on the Up-Pradhan.

87. **Nomination of temporary Pradhan.**—When the office of the Pradhan is vacant or the Pradhan has been continuously absent from jurisdiction for more than fifteen days or is incapacitated and there is either a vacancy in the office of the Up-Pradhan or the Up-Pradhan has been continuously absent from jurisdiction for more than fifteen days or is incapacitated the functions of the Pradhan shall devolve on a member of the Panchayat appointed by the Prescribed Authority in this behalf.

The member of the Panchayat so appointed (who shall be styled the temporary Pradhan) shall perform the functions of the Pradhan subject to such restrictions and conditions as may be laid down by the Prescribed Authority until a new Pradhan or Up-Pradhan is declared elected and assumes office, or either the Pradhan or the Up-Pradhan returns to jurisdiction or recovers from his incapacity as the case may be.



**88. Report on the vacancy of a Pradhan & Up-Pradhan.**—Any vacancy in the office of the Pradhan or Up-Pradhan shall be immediately reported to the Prescribed Authority by the Secretary of the Panchayat, and the Prescribed Authority shall arrange for the election of the Pradhan or the Up-Pradhan.

**89. Oath of office of a Pradhan and Up-Pradhan and Member.**—The Pradhan, the Up-Pradhan and every member of a Panchayat shall before entering upon his office as such take oath of office in the following manner:—

I—name—do swear that I will bear true faith and allegiance to the constitution of India as by law established and that I will do right to all manner of people and faithfully discharge my duties as Pradhan/Up-Pradhan/member of the Panchayat without fear or favour, affection or ill will. So help me God.

**90. Joint Committee.**—(1) Two or more Panchayat, may with the prior approval of the Prescribed Authority join in constituting a Joint committee for the purpose of transacting any business in which they are jointly interested.

(2) (i) A joint committee shall consist of—

(a) Pradhan of all the concerned Panchayats, and

(b) Two members from each of the concerned Panchayats.

(ii) Such members may co-opt persons who are residents of the local area of the concerned Panchayats and who in their opinion possess special qualifications for serving on such committees provided that the number of such persons shall not exceed one third of the total number of members of the Joint Committee.

**91. Manner of appointment of Chairman.**—The Chairman of the Joint Committee shall be from one of the Pradhan of the concerned Panchayats and shall be elected by the members constituting the Joint Committee excluding the co-opted members.

**92. Manner of conduct of Business.**—The procedure regarding conduct of business for the Joint Committee shall be the same as that prescribed for the administrative committees.

**93. Filling up of casual vacancy.**—If there is a vacancy of membership in the Joint Committee the concerned Panchayat shall elect another member of the Panchayat to fill in the vacancy.

#### RULES GOVERNING THE DISPUTE RELATING TO APPOINTMENT TO COMMITTEE

**94. Disputing an appointment on a committee.**—Any person affected by any appointment to a Joint Committee or any other committee and desirous of disputing the said appointment may put in a petition before the Prescribed Authority or any other officer authorised by him in this behalf stating the ground or grounds on which the said persons dispute the appointment.

**95. Issue of notice of Opposite Party.**—The Prescribed Authority or any other officer on his behalf shall issue a notice to the Party whose appointment is disputed to show cause, within a period specified in the notice, why the petition should not be granted. The said party shall put in his written statement in reply to the petition.

**96. Enquiry into the allegations.**—The Prescribed Authority may either make a local enquiry or take such evidence as it may think fit in order to find out the truth or otherwise of the allegations made in the petition or the written statement referred to in Rule 95.

**97. Decision on a petition.**—(a) If on enquiry or taking evidence the Prescribed Authority is satisfied that there is no valid ground for disputing the appointment questioned it shall dismiss the petition.

(b) If however, it is satisfied that the appointment disputed was the result of coercion, fraud, intentional representation or offer or acceptance of any valuable consideration, it shall cancel the appointment and either declare a casual vacancy or declare another candidate to have been duly appointed in that place whichever course appears, in the particular circumstances of the case to be more appropriate.

(c) In cases falling under (a) and (b) the Prescribed Authority may award costs at its discretion which shall not exceed Rs. 5/- in any case

**98 Casual vacancy in a committee.**—In the event of declaration of any casual vacancy the Prescribed Authority shall direct fresh appointment to the committee concerned.

**RULES REGARDING THE RESIGNATION, SUSPENSION, OR REMOVAL OF OFFICE BEARERS AND MEMBERS**

**99. Suspension or removal of a member or Chairman.**—A Panchayat may suspend or remove a member or Chairman of any committee by a resolution carried by two-third majority of the members of the Panchayat, but before passing such a resolution the Panchayat shall call for an explanation of the Chairman or member concerned in connection with the charges levelled against him and shall consider the same at its meeting in which the resolution about suspension or removal is concerned.

**100. Resignation by Pradhan or Up-Pradhan or members.**—A Pradhan or Up-Pradhan or a member of Panchayat or a committee wishing to resign his office shall either present to the Prescribed Authority in person his written resignation or send it to his address by registered post and when the acceptance of the resignation has been communicated to the Pradhan or Up-Pradhan or the member as the case may be the person concerned shall be deemed to have vacated his office.

**101. Validity of Act or Proceeding.**—No vacancy, casual or otherwise, in a Panchayat or any committee or a panchayat shall vitiate any act or proceedings of a Panchayat or of such committee or joint committees.

**102. Functioning of Panchayats.**—Panchayats shall after their establishment start functioning on and from a day which the State Government, may, by general or special, order fix in this behalf.

FORM-A No. 1  
REGISTER OF POPULATION (FAMILY WISE)

[See Rule 3(1)]

PART I  
FAMILY REGISTER

Name of Panchayat area \_\_\_\_\_

Name of village \_\_\_\_\_ Tehsil \_\_\_\_\_ District \_\_\_\_\_

Serial No.	House No.	Name of head of the family	Name of members of the family	Father's name	Religion (caste in case of scheduled caste)	Age and probable date of birth if known	Occupation	Literate or illiterate	If adult and qualified under Sec. 5 of the Panchayat Act If not quali- fied reason for disquali- fications	Names added or struck off with particu- lars	Remarks
1	2	3	4	5	6	7	8	9	10	11	12



## FORM No. 3

[Rule 16(e)]

*Form of Return of Election*

Election for \_\_\_\_\_

Constituency from Tehsil \_\_\_\_\_

Name of candidate.	Number of votes given for the candidate.
--------------------	--

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

Total number of votes.

I declare that \_\_\_\_\_

1. Name (Address)

2. Name (Address)

3.

4.

5.

6.

7.

8.

9.

10.

11.

has/have been duly elected, and\* that \_\_\_\_\_

has/have been duly elected to the seat reserved for the Scheduled Castes.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 195.

\*To be omitted if not necessary.

Signature of Returning Officer.

## FORM No. 4

[Rule 16(f)]

*Form of Return of Polling*

Election for \_\_\_\_\_ - Panchayat.

Constituency from Teshil \_\_\_\_\_

Name of candidates

Number of votes given for the candidate.

Groups.

1	2	3	4	TOTAL
---	---	---	---	-------

- 1.
- 2.
- 3.
- 4.

	1	2	3	4	TOTAL
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

Signature of the candidates or  
their Election/Polling agents.

Signature of the Polling Officer.  
Signature of the Presiding Officer.

### FORM No. 5

(Rules 22 and 23)

To

The Presiding Officer for \_\_\_\_\_ Panchayat Constituency.

I \_\_\_\_\_ a candidate at the present election, do hereby give notice that I have appointed \_\_\_\_\_ as Election/Polling agent to attend the Polling Station/the Polling Booth No. \_\_\_\_\_ at the Polling Station/the place fixed for the poll.

Date \_\_\_\_\_

Signature of candidate.

I agree to act as such Election/Polling agent.

Dated \_\_\_\_\_

Signature of Election/Polling agent.

### FORM No. 6

(Rule 28)

### Nomination Paper

Panchayat \_\_\_\_\_ Constituency/Ward No. \_\_\_\_\_ We the undersigned being duly registered as Voters in the register of voters hereby nominate Shri \_\_\_\_\_ entered in the register of voters of village/constituency as a candidate for election as \_\_\_\_\_

Pradhan. \_\_\_\_\_

Up-Pradhan \_\_\_\_\_

Member of Panchayat.

1. Name of the Proposer \_\_\_\_\_ 2. Serial No. at which registered in the register of Voters of village \_\_\_\_\_ 3. Signature/Thumb impression of the proposer \_\_\_\_\_ 1. Name of the Seconder \_\_\_\_\_ 2. Serial No. at which registered in the register of Voters of village \_\_\_\_\_ Signature/thumb impression of the Seconder \_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_ 195.

I, the undersigned \_\_\_\_\_ being a person duly qualified for election as above \_\_\_\_\_ hereby assent to being nominated as a candidate for election.

Signature of candidate \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 195.

Further declaration in the case of a scheduled caste candidate.

I, hereby declare that I am a member of the \_\_\_\_\_ caste, which has been declared to be a Scheduled Caste throughout the State of Ajmer.

(Signature of Candidate)

Date \_\_\_\_\_

FORM No. 7

[See Rule 29.]

Notice of nomination for election \_\_\_\_\_ Panchayat

received on \_\_\_\_\_ upto \_\_\_\_\_ p.m.

Serial No.	Name of the candidate	Father's/Hus- band's name	Address	Whether the candidate is a member of the Scheduled caste if so, the particular caste to which the candidate belongs	Area of the Pancha- yat in which the name of the candidate is includ- ed in the Voter's Register & its Serial No.	Name of the proposer	S. No. of Proposer in the Voter's Register	Name of seconder	Serial No. of seconder in the Voter's register
1	2	3	4	5	6	7	8	9	10

## FORM No. 8

[Rule 30(4)]

Elections ——— Panchayat from ——— Constituency

*List of Candidates for Election*

S. No.	Name of candidate	Address of candidate
--------	-------------------	----------------------

Place

Date ——— 195 .

Returning Officer.

## FORM No. 9

(Rule 31)

To

The Returning Officer,

for ——— Panchayat constituency.

I, ——— of ——— a candidate nominated at the above election do hereby give notice that I withdraw my candidature, dated this ——— day of ——— 195.

Signature of candidate.

This notice of withdrawal was delivered to me at my office at ——— (Hour) on ——— (date) by ——— the candidate/the candidate's proposer/secondar/ election Agent who has been authorised in writing by the candidate to deliver it.

Returning Officer ———

Asstt. Returning Officer ———

## FORM No. 10

[Rule 32(1)]

*Final List of Contesting Candidates*

S. No.	Name of candidates	Addresses of candidates
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NOTE.—The poll will be taken between the hours of ——— to ——— Noon & ——— P.M. to P.M. ——— at the polling stations fixed for the poll to be notified separately.

The candidates whose names are marked with X, are members of the Scheduled castes.

Place.

Dated,

Returning Officer.

## FORM No. 11

(Rules 64 and 82)

Proceedings book of ——— Panchayat

Name of the constituency ——— Teshil ———

Date	Names of members, chairman Pradhan & Up-Pradhan present	Business transacted	Signatures of members/Pradhan/ Up-Pradhan/Chairman
2		3	4

[No. 3/8/55-LSG-II]

By order of the C.C.,

N. M. KOTHARI Deputy Secy.